

Docket No. DEP0468

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Voellmicke et al. Group Art Unit: 3732
Serial No.: 09/784,383 Examiner: Lewis, Ralph
Filed: February 15, 2001
Title: Vertebroplasty Injection Device And Bone Cement Therefor

CERTIFICATE OF MAILING

I, Karen Day, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313 on 2003.

(signature)
Karen Day

(date)

Thomas M. DiMauro (name of Registered Representative)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action of February 3, 2003, Applicants respectfully request reconsideration of the above-captioned patent application and entry of the below amendments in view of the following amendment and remarks:

Amendments to the Claims are reflected in the listing of the claims which begins at page 2 of this paper.

Remarks begin at page 15 of this paper.

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the discharge check valve; thus lubricant is drawn into the piston cavity
(col. 1, lines 36-40)

Thus, Stampers does not disclose an injection piston operable as an inlet check valve.

Amended claim 82 recites an O-ring present in the injection chamber, and so is patentable for the reasons discussed above in claim 7.

Respecting claim 100, Applicants note that the claimed invention recites injecting bone cement into a vertebral body from a device having both a reservoir and an injection chamber. None of the cited references discloses injecting bone cement into a vertebral body. Therefore, the cited references can not be combined to produce the claimed invention. Moreover, none of the prior art devices used in vertebroplasty comprised both reservoirs and injection chambers. Rather, these vertebroplasty devices were single barrel devices that could not provide the small, discrete injections desirable for controlling injection volume in vertebroplasty procedures.

In addition, Applicants respectfully request that Applicants be provided with a two month extensions of time for response, and charge any fees which may be due to Deposit Account No. 10-0750, but do not include any payment of issue fees.

Should there be any remaining or further questions, the Examiner is requested to place contact the undersigned directly.

Respectfully submitted,



Thomas M. DiMauro
Attorney for Applicants
Reg. No. 35,490
DePuy AcroMed
325 Paramount Drive
Raynham, MA 02767
(508) 880-8401